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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,044

02/14/2002

Kang Chun Un

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EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/074,044

Applicant(s)

UN, KANG CHUN

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8 and 14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Examiner asserts that the limitation recited in the independent claims is/are disclosed by the reference on the record.

Applicant's core argument is regarding the following limitation recited in independent claim 1.

I.e., "storing synchronizing information, which changes when a portion of the important information is updated, in the database together with the important information, and encrypting the synchronizing information." And applicant's representative argued that this limitation is not disclosed by the reference on the record.

Applicant's representative wrote the following in support his argument.

"The ID of PID is always the same. If a new PID is saved with a corresponding ID, the ID information of the previously saved PID does not change. Applicant submits that the Examiner's discussion of the technical features of Scott, i.e., "the ID changes/updates when the PID... changes which means when the ID code changes because each PID has its own ID code", do not appear in the reference"

Examiner agreed that what is explained in the rejection as "the ID changes/updates when the PID... changes which means when the ID code changes because each PID has its own ID code", do not appear in the reference. However this is some thing, which is implied or implicitly or inherently disclosed by the reference.

This is simply because of the following reasons.

1. On column 2, lines 14-21, the following has been disclosed. "The processing unit can include a processor circuit, a memory and an encoder, wherein the memory stores the biometric data, and wherein the verification signal includes an encrypted signal encrypted by the encoder. In one embodiment, the encoder includes an encoding circuit, and the verification signal further includes an ID code indicative of the enrolled person or the device." For the same user, "the ID code indicative of the enrolled person" is nothing but something which is provided by the person like a password or a pin and it is something which is updated/changed whenever the user wants/has to change code. Furthermore if the ID code is indicative of the device, i.e. the portable hand-held personal identification device, then when the user changes the portable device or buy a new portable device the device ID code has to change, because it is indicative of the device and has to be registered in the host facility as explained below.

Furthermore as it is disclosed on column 3, lines 4-7, the following has been disclosed. "A method of providing secure access to a host facility includes the step of registering one or more persons with the host facility, including storing a unique ID code and a public encryption key for each registered person."

The implies the fact that the system allows the users to make the necessary changes in the registration his unique personal ID code in the host facility whenever the user changes his personal Unique ID code or when the person buys a new portable device ID code for simple purpose of authenticating either the user or the device at the host facility.

Therefore examiner explanation presented in the pervious office action is some thing, which is inherently implied by the reference on the record.

For the purpose of clarification, examiner would show how each and every limitation is disclosed by the reference on the record as follows.

As per claims 1, Scott, the primary reference on the record discloses a method for storing and securely managing important information for a user in a database, [Column 4, lines 7-9] (registering a person with the host facility by storing an ID code associated only with portable registered device controlled by the registered person. Furthermore this ID code could be indicative of the person as it is disclosed on column 2, lines 27-28, and this meets the limitation of the important information and storing an ID code in host facility meets the limitation of storing and securely managing important information for a user in a database) comprising:

Storing synchronizing information, [Column 12, lines 52-53] (stored synchronization counter information in memory) which changes when a portion of the important information is updated, in the database together with the important information, [column 4, lines 32-33 and column 8, lines 7-14] (stored ID code) (The ID code which meets the limitation of important information is stored as indicated on column 4, lines 32-33, together with the synchronization counter which meets the limitation of synchronizing information. The storing of synchronizing counter is explained on column 12, lines 52-53 and inherently taught on column 4, lines 38-39, "synchronization counter of the registered device". This synchronizing information changes when the ID code changes and on column 8, lines 7-14, the following has been disclosed. " Encoder 23A includes an ID code, which may be a serial number of encoder 23 or PID 6A. Encoder 23A also includes a synchronization counter, an encryption key and an encryption algorithm that employs the encryption key. Host system 4A must "learn" the ID code and the synchronization counter for each PID 6A which is used to access a function of host system 4A. Host system 4A must also know the encryption key." Therefore the ID code which meets the limitation of important information is stored as indicated on column 4, lines 32-33, together with the synchronization counter which meets the limitation of synchronizing information and together they are stored in the host system. The storing of synchronizing counter is explained on column 12, lines 52-53 and also taught on column 8, lines 7-14 in the host system 4A or on column 4, lines 38-39, "synchronization counter of the registered device". For every user this synchronizing information changes when the PID changes or when the ID code changes because each and every PID has its own unique ID code otherwise the host won't be able to differentiate one PID form another and accessing the host system will not function properly. See also what is stated on the argument above.)

and

Encrypting the synchronizing information; [column 4, lines 28-29] (encrypting data including a synchronization counter.)

Sending the encrypted synchronizing information to a predetermined place/s; [Column 4, lines 24-29] (The access signal which includes the synchronization counter/synchronizing information is encrypted and sent to the host facility meets the limitation of predetermined place/s. This inherently includes storing the encrypted synchronization counter for a certain period of time/temporarily at the host facility before the synchronization counter is decrypted).

Decrypting the synchronizing information in the predetermined places and determining whether the decrypted synchronizing information is identical to the synchronizing information stored in the database. [Column 4, lines 35-42 and column 12, lines 50-59]

Scott does not explicitly disclose,

Distributively storing data in a plurality of predetermined places and combining the data and decrypting the data.

However, in the same field of endeavor, Nagashima discloses

Storing the key data distributively in a plurality of predetermined places and combining/collecting a predetermined number of pieces

of information/data which are distributively stored and perform decryption.[Page 4, lines 9-10]

Even though the application contains allowable subject matter the specification has not yet been written to include such matter and the independent claim has not been amended to overcome the ground of rejection set forth in the pervious final office action. Therefore the pervious rejection is maintained.